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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,871	01/28/2000	Christopher Evans	11714-P02	2773

7590 06/14/2002

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EXAMINER

ARYANPOUR, MITRA

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 06/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.
09/493,871

Applicant(s)
Christopher Evans & Richar Evans

Examiner
Mitra Aryanpour

Art Unit
3711



- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED Jun 4, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attached comments. The proposed claim raises new issues which would require further consideration and/or search.

3. ☐ Applicant's reply has overcome the following rejection(s): _____
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____
- Claim(s) objected to: _____
- Claim(s) rejected: 1-6
- Claim(s) withdrawn from consideration: _____
8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Paul T. Sewell
Supervisory Patent Examiner
Group 3700

ATTACHMENT TO THE ADVISORY ACTION
FORM: PTO-303

Claims 1-6 stand rejected. Newly submitted claim 7 (not entered), does not place the claim in condition for allowance. Securing means or stakes are well known in the training art and they come in many different forms and shapes. Tethered balls are also well known. The fact that the tether line is partially elastic and partially inelastic and the ball is secured in a net does not differentiate the claims in this application over the prior art of record. Applicant's attention is also brought to Moore's reference, which shows a tethered line partially elastic and partially inelastic. The ball is secured to the tether line using straps, straps and nets are considered to be ^{recognized} art equivalent. The securing means or stake has a circular upper portion which allows the tether line to travel along a substantial portion of the circular upper portion.

Technology Center 3700 Facsimile Transmittal

DATE: 6-17-2002

TO: Jerry Cohen

FAX: 617-854-4040 PHONE: 617-854-4000

SERIAL NO: 09/493,871 ATTY. DK#: 11714-P02

FROM: Mittra Aryanpour VOICE MAIL NO. 703-308-3550 AU: 3711

FAX NUMBERS:

(PLEASE FAX PAPERS TO THE NUMBER INDICATED BELOW)

FORMAL PAPERS

☒ 703-305-3579/3580

DRAFT PAPERS

☐ 703-308-7769

☒ 703-308-7768

☐ 703-305-9835

NOTES: PLEASE INDICATE WHETHER REPLY IS A FORMAL OR DRAFT AMENDMENT

COMMENTS: per your request I am faxing over
the Advisory Action that was mailed on 6/14/02

OF PAGES: _____
(INCLUDING COVER SHEET)